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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

Gencare, Inc., d/b/a The Carillons,  
Defendant.

Case No.: CV

**COMPLAINT  
(JURY TRIAL DEMANDED)**

**NATURE OF THE ACTION**

This is an action under the Age Discrimination in Employment Act to correct unlawful employment practices on the basis of age. The Equal Employment Opportunity Commission ("Plaintiff" or "Commission") alleges that Defendant, Gencare, Inc., d/b/a The Carillons ("Defendant"), terminated Ellen Lang, Michael Chabak, and Erwin Sieghart because of their age.

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the

1 "ADEA"), which incorporates by reference Section 16(c) and 17 of the Fair Labor  
2 Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§216(c) and 217.

3 2. The employment practices alleged to be unlawful were and are now being  
4 committed within the jurisdiction of the United States District Court for the District of  
5 Arizona.

6 **PARTIES**

7 3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of  
8 the United States of America charged with the administration, interpretation and  
9 enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b)  
10 of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1  
11 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

12 4. At all relevant times, Defendant has continuously been a Washington  
13 corporation doing business in the State of Arizona and Sun City and has continuously had  
14 at least 20 employees.

15 5. At all relevant times, Defendant has continuously been an employer  
16 engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and  
17 (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

18 6. Prior to institution of this lawsuit, the Commission's representatives  
19 attempted to eliminate the unlawful employment practices alleged below and to effect  
20 voluntary compliance with the ADEA through informal methods of conciliation,  
21 conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. §  
22 626(b)

23 **STATEMENT OF CLAIMS**

24 7. Since at least July 30, 2003, Defendant has engaged in unlawful  
25 employment practices at its Sun City, Arizona facilities in violation of Section 623(a)(1)  
26 of the ADEA, 29 U.S.C. § 623 (a)(1). The unlawful employment practices include but  
27 are not limited to:

- 28 a. Ellen Lang, Michael Chabak and Erwin Sieghart are individuals over the  
age of forty.



1 reinstatement of Ellen Lang , Michael Chabak, and Erwin Sieghart or, alternatively, front  
2 pay.

3 E. Grant such further relief as the Court deems necessary and proper in the  
4 public interest.

5 F. Award the Commission its costs of this action.

6 **JURY TRIAL DEMAND**

7 The Commission requests a jury trial on all questions of fact raised by its  
8 Complaint.

9 DATED this 24th day of September, 2008.

10 Respectfully submitted,

11 RONALD COOPER  
12 General Counsel

13 GWENDOLYN YOUNG REAMS  
14 Associate General Counsel

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